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11 UNITED STATES DISTRICT COURT
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13 NORTHERN DISTRICT OF CALIFORNIA

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DANILO DEL VALLE, an Individual, and
JENNIFER DEL VALLE, an Individual,

Plaintiffs,

vs.

INDYMAC FEDERAL BANK, F.S.B., a
Delaware Coporation; NDEX WET, LLC,
a Delaware Corporation; ALLIANCE
BANCORP, a California Corporation, and
DOES 1 through 10, inclusive,

Defendants.

CASE NO. 5:09-cv-01940-PVT

STIPULATION OF NON-
MONETARY STATUS OF
DEFENDANT NDEx WEST, LLC

[NO HEARING REQUIRED]

1 IT IS HEREBY STIPULATED by and between plaintiffs DANILO DEL
2 VALLE, and JENNIFER DEL VALLE (collectively "Plaintiffs") and defendant
3 NDEx WEST, LLC, a Delaware corporation, ("Defendant NDEx WEST, LLC")
4 through their undersigned attorneys of record, as follows:
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6 1. Plaintiffs' claims in this action arise from the origination and/or
7 servicing of a residential mortgage loan and primarily affect Plaintiffs, their original
8 mortgage lender, its successor(s)-in-interest, and/or the loan servicing agent(s) for
9 such mortgage lender(s). Defendant NDEx WEST, LLC had no involvement in the
10 origination or servicing of the subject mortgage loan and has been joined as a
11 defendant based upon its limited role in handling a non-judicial foreclosure as agent
12 for the mortgage lender(s) and/or as successor trustee under the subject Deed of Trust
13 and solely for the purpose of having all necessary parties before the Court.
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15 2. Plaintiffs do not assert any claims for monetary relief against
16 Defendant NDEx WEST, LLC, and their Complaint does not allege any misconduct
17 on its part in the performance of its duties and/or in its handling of the non-judicial
18 foreclosure as agent for the mortgage lender(s) and/or as successor trustee under the
19 subject Deed of Trust. Defendant NDEx WEST, LLC shall have no liability to
20 plaintiffs for any monetary damages, attorney's fees or costs of suit.
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1 3. Defendant NDEx WEST, LLC agrees to be bound by any non-
2 monetary judgment or order that may be entered by the Court concerning (a)
3 ownership and title to the subject real property, (b) the validity, enforceability and
4 priority of the subject Deed of Trust, and/or (c) the non-judicial foreclosure
5 proceeding.
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8 **THE LAW OFFICES OF CARLO O.**
9 **REYES**

10 Dated: October __, 2009

11 By: 

12 CARLO O. REYES

13 Attorney for Plaintiffs DANILO DEL
14 VALLE and JENNIFER DEL VALLE

15 **BARRETT DAFFIN FRAPPIER**
16 **TREDER & WEISS, LLP**

17 Dated: October __, 2009

18 By: _____

19 THOMAS K. AGAWA

20 Attorneys for Defendant NDEx WEST, LLC
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4 priority of the subject Deed of Trust, and/or (c) the non-judicial foreclosure
5 proceeding.
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8 **THE LAW OFFICES OF CARLO O.**
9 **REYES**

10 Dated: October __, 2009

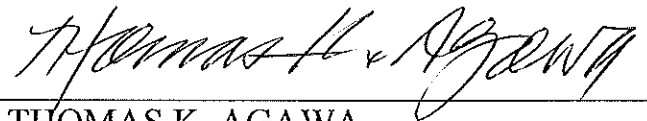
By: _____

11 CARLO O. REYES
12 Attorney for Plaintiffs DANILO DEL
13 VALLE and JENNIFER DEL VALLE

14 **BARRETT DAFFIN FRAPPIER**
15 **TREDER & WEISS, LLP**

16 Dated: October __, 2009

By: _____

17 
18 THOMAS K. AGAWA
19 Attorneys for Defendant NDEx WEST, LLC
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